

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

2009 MAY 26 PM 12:29

CLERK OF COURT

RAYMOND KEITH SONGER, CROX §
ALVARADO, VICTOR ARRINGTON, §
GEORGE E. EATON, JR., DANIEL §
GARCIA JR., DEBRA SUE §
GARRISON, JOSE RAMON §
GUILAMO, LARRY HAZELTON, §
ANTRONE HENDERSON, SANDRA §
K. HENDERSON, DAVID CLINTON §
HENLEY, JEFFERY G. HINES, §
JOHNNY ROBERT JARVIS, EDDIE §
JONES, ERIC C. MATTHEWS, §
BRIAN ALAN MCGLOTHLIN, §
KAREN SUE PARENT, MONICA §
LENISE PERVIS, BRENT UNDR §
ROBERSON, BOBBY JOE §
SCHRODER, JOSHUA ANDREW §
VAN PATTEN, FELIX VASQUEZ §
COURTLAND DALE WALLACE, §
AND PERRY SCOTT WIGGINS §
individually and on behalf of other §
employees similarly situated §

Plaintiffs

v.

DILLON RESOURCES, INC., §
SUNSET ENNIS, INC. d/b/a/ SUNSET §
WAXAHAXIE, INC., and SUNSET §
LOGISTICS, INC. §

Defendants

CIVIL ACTION NO. 4:08-cv-00319- A

JURY TRIAL DEMANDED

**PLAINTIFFS' RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs respectfully request that the Court deny Defendants' Motion for Summary Judgment on their affirmative defense of motor-carrier exemption, for the reasons stated in the attached supporting memorandum.

Respectfully submitted,

By: _____

David M. Glenn
Texas Bar Number: 08028350
Glenn Law Firm
210 W. Wall Street
Grapevine, Texas 76051
Telephone: (817) 424-5999
Facsimile: (817) 481-3240

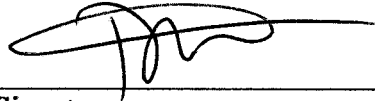
T. Michael Kennedy
Texas Bar Number: 24014809
T. Michael Kennedy, P.C.
210 West Wall Street
Grapevine, Texas 76051
Telephone: (817) 424-5888
Facsimile: (817) 424-5889

Trang Q. Tran
Admitted to Practice in Northern District
Federal I.D: 20361
Texas Bar Number: 00795787
3050 Post Oak Blvd., Suite 1720
Houston, Texas 77056
Telephone: (713) 223-8855
Facsimile: (713) 623-6399

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on Defendants on Tuesday, May 29, 2009, by the means indicated below:



Signature

(Via Certified Mail – Return Receipt Requested)

R. Shawn Oller
LITTLER MENDELSON, P.C.
2425 E. Camelback Road, #900
Phoenix, AZ 85016
ATTORNEYS FOR DEFENDANTS

(Via Certified Mail – Return Receipt Requested)

Kevin M. Duddleston
Jeremy W. Hawpe
Kim Rives Miers
LITTLER MENDELSON, P.C.
2001 Ross Avenue, Suite 1500, Lock Box 116
Dallas, Texas 75201
ATTORNEYS FOR DEFENDANTS

Via First-Class Mail

Brent Roberson
1418 Melton Drive
Mesquite, Texas 75149
PLAINTIFF PRO SE

Via First Class Mail

Jeffrey Hines, Plaintiff Pro Se
906 Shawnee
Waxahachie, Texas 75119
PLAINTIFF PRO SE